

PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number
23682-07629

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on September 9, 2008Signature /Christopher King/
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Application Number

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Filed

February 26, 2004

First Named Inventor

Justin P. Marston

Art Unit

2145

Examiner

Ryan J. Jakovac

This request is being filed with a notice of appeal.

I am the

☐

applicant/inventor.

/Christopher King/
Signature☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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September 9, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 1 of 1 form is submitted.

ATTACHMENT TO THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pre-appeal review is requested because the rejections in the Final Office Action of June 24, 2008 are improper and without factual or legal basis. Applicants respectfully request that the Panel indicate that claims 1-32 recite allowable subject matter.

I. Status of the Claims

Claims 1-32 are pending, and stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Ahmed, European Patent Application Number EP 1085444.

II. Rejection of claims 1-32 under 35 USC §102(b) as allegedly being anticipated by Ahmed

Generally, independent claim 1 is directed towards providing messages to end-users. This includes applying rules to a submessage “based at least in part on a **priority assigned to a sender** of the submessage.” For example, by allocating different priority settings to different senders, a message received from an end-user working on an important project may have higher priority over more general messages. (Specification, paragraph 0051). Independent claim 25 recites similar limitations.

Ahmed fails to disclose such features. The Examiner cites Ahmed paragraph 0040 as showing a timestamp, considered by the Examiner to constitute the claimed priority assigned to a sender. Paragraph 0040 states that a message notification may include data such as a timestamp or subject. Such a timestamp reveals only when a message arrives, and does not constitute a priority. Even assuming *arguendo* that a timestamp were considered a priority, it would still not be “assigned **to a sender**” of the submessage, as claimed. Rather, it is part of a message itself, rather than being assigned to the sender. The Examiner alternatively cites Ahmed paragraphs

0041-0042. These paragraphs disclose a distribution list that determines the recipients of the message. However, even if a distribution list could somehow be considered to constitute the claimed “priority,” it would still fail to disclose a priority “assigned **to a sender**” of the submessage. Rather, the distribution list is a property of the message. Note that distribution list 60 is part of the message in Ahmed Figure 2, and merely describes the intended recipients of the message. (Ahmed, paragraph 0033). Thus, Ahmed does not anticipate claims 1 or 25.

Generally, independent claim 13 is directed towards providing messages to end-users. More specifically, a computer-readable medium has logic comprising “a data store module for storing messages... wherein the data store stores a jobcode in association with the submessages, the jobcode representing a task.” The logic further comprises “a control module for calculating an aggregate amount of time spent interacting with submessages associated with the task represented by the jobcode.” Thus, for example, a system administrator could calculate statistics such as the amount of time that has been spent on composing messages that relate to a given jobcode. (Specification, paragraph 0083).

Ahmed fails to disclose these features. The Examiner cites Ahmed paragraph 0043 as allegedly disclosing “calculating an aggregate amount of time spent interacting with submessages associated with the task represented by the jobcode.” However, paragraph 0043 merely discloses determining a message lifetime, e.g. a period ending when everyone has read the message, when a given date has arrived, or when a sufficiently long time of no message accesses has elapsed. This at best shows determining a time since one particular date or event took place, but in no way discloses calculating an **aggregate** amount of time **spent interacting with submessages associated with the task** represented by the jobcode, as claimed. Thus, Ahmed fails to anticipate claim 13.

The remaining claims depend, directly or indirectly, from one of independent claims 1, 13, and 25. Thus, the various dependent claims are not anticipated by Ahmed for at least the same reasons discussed above with respect to their respective independent claims.

III. Summary

Based on the foregoing, Applicants respectfully submit that the pending rejection suffers from a clear deficiency. Accordingly, Applicants request that the rejection of claims 1-32 be withdrawn.

Respectfully Submitted,
JUSTIN MARSTON, ET AL.

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By: /Christopher King/

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